

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAMON PADILLA-GUZMAN,

Defendant.

Case No. 11-20493

Honorable John Corbett O'Meara

**ORDER DENYING DEFENDANT'S MOTION TO DISMISS
AND DEFENDANT'S MOTION FOR RECONSIDERATION**

This matter came before the court on defendant Ramon Padilla-Guzman's December 27, 2013 motion to dismiss. The government filed a response January 14, 2014, and no reply was filed. Oral argument was heard January 22, 2014.

In his motion to dismiss, Defendant contends that a violation of the Speedy Trial Act has occurred. However, in light of the numerous motions he himself has filed, as well as the number of motions filed by his six co-defendants, there has been no violation of the Speedy Trial Act.

On December 6, 2013, defendant Padilla-Guzman also filed a motion for reconsideration of the court's order denying his motion to revoke his order of detention pending trial. The court denied Defendant's previous motion August 21, 2013; therefore, more than three months passed before Defendant filed his motion for reconsideration. In addition to the fact that the motion for reconsideration is untimely, Defendant has failed to show a palpable defect by which the parties or the court has been misled. Therefore, the court will deny the motion for reconsideration without oral argument.

Finally, the new trial date in this case has been set for March 18, 2014. Accordingly, the court finds that the ends of justice are served by excluding the time to the new trial date. 18 U.S.C. § 3161(h) (7).

ORDER

It is hereby **ORDERED** that defendant Ramon Padilla-Guzman's December 27, 2013 motion to dismiss is **DENIED**.

It is further **ORDERED** that defendant Ramon Padilla-Guzman's December 6, 2013 motion for reconsideration is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: January 23, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, January 23, 2014, using the ECF system.

s/William Barkholz
Case Manager